

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 834

AN ACT

2 To repeal sections 311.070, 311.178, and
3 311.680, RSMo, and to enact in lieu thereof
4 four new sections relating to liquor control,
5 with an emergency clause for a certain
6 section.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
8 AS FOLLOWS:

9 Section A. Sections 311.070, 311.178, and 311.680, RSMo,
10 are repealed and four new sections enacted in lieu thereof, to be
11 known as sections 311.070, 311.178, 311.481, and 311.680, to read
12 as follows:

13 311.070. 1. Distillers, wholesalers, winemakers, brewers
14 or their employees, officers or agents, shall not, except as
15 provided in this section, directly or indirectly, have any
16 financial interest in the retail business for sale of
17 intoxicating liquors, and shall not, except as provided in this
18 section, directly or indirectly, loan, give away or furnish
19 equipment, money, credit or property of any kind, except ordinary

1 commercial credit for liquors sold to such retail dealers.
2 However, notwithstanding any other provision of this chapter to
3 the contrary, for the purpose of the promotion of tourism, a
4 distiller whose manufacturing establishment is located within
5 this state may apply for and the supervisor of liquor control may
6 issue a license to sell intoxicating liquor, as in this chapter
7 defined, by the drink at retail for consumption on the premises
8 where sold; and provided further that the premises so licensed
9 shall be in close proximity to the distillery and may remain open
10 between the hours of 6:00 a.m. and midnight, Monday through
11 Saturday and between the hours of 11:00 a.m. and 9:00 p.m.,
12 Sunday. The authority for the collection of fees by cities and
13 counties as provided in section 311.220, and all other laws and
14 regulations relating to the sale of liquor by the drink for
15 consumption on the premises where sold, shall apply to the holder
16 of a license issued under the provisions of this section in the
17 same manner as they apply to establishments licensed under the
18 provisions of section 311.085, 311.090, or 311.095.

19 2. Any distiller, wholesaler, winemaker or brewer who shall
20 violate the provisions of subsection 1 of this section, or permit
21 his employees, officers or agents to do so, shall be guilty of a
22 misdemeanor, and upon conviction thereof shall be punished as
23 follows:

24 (1) For the first offense, by a fine of one thousand

1 dollars;

2 (2) For a second offense, by a fine of five thousand
3 dollars; and

4 (3) For a third or subsequent offense, by a fine of ten
5 thousand dollars or the license of such person shall be revoked.

6 3. As used in this section, the following terms mean:

7 (1) "Consumer advertising specialties", advertising items
8 that are designed to be carried away by the consumer, such items
9 include, but are not limited to: trading stamps, nonalcoholic
10 mixers, pouring racks, ash trays, bottle or can openers, cork
11 screws, shopping bags, matches, printed recipes, pamphlets,
12 cards, leaflets, blotters, postcards, pencils, shirts, caps and
13 visors;

14 (2) "Equipment and supplies", glassware (or similar
15 containers made of other material), dispensing accessories,
16 carbon dioxide (and other gasses used in dispensing equipment) or
17 ice. "Dispensing accessories" include standards, faucets, cold
18 plates, rods, vents, taps, tap standards, hoses, washers,
19 couplings, gas gauges, vent tongues, shanks, and check valves;

20 (3) "Point of sale advertising materials", advertising
21 items designed to be used within a retail business establishment
22 to attract consumer attention to the products of a distiller,
23 wholesaler, winemaker or brewer. Such materials include, but are
24 not limited to: posters, placards, designs, inside signs

1 (electric, mechanical or otherwise), window decorations, trays,
2 coasters, mats, menu cards, meal checks, paper napkins, foam
3 scrapers, back bar mats, thermometers, clocks, calendars and
4 alcoholic beverage lists or menus;

5 (4) "Product display", wine racks, bins, barrels, casks,
6 shelving or similar items the primary function of which is to
7 hold and display consumer products;

8 (5) "Promotion", an advertising and publicity campaign to
9 further the acceptance and sale of the merchandise or products of
10 a distiller, wholesaler, winemaker or brewer.

11 4. Notwithstanding other provisions contained herein, the
12 distiller, wholesaler, winemaker or brewer, or their employees,
13 officers or agents may engage in the following activities with a
14 retail licensee licensed pursuant to this chapter or chapter 312,
15 RSMo:

16 (1) The distiller, wholesaler, winemaker or brewer may give
17 or sell product displays to a retail business if all of the
18 following requirements are met:

19 (a) The total value of all product displays given or sold
20 to a retail business shall not exceed three hundred dollars per
21 brand at any one time in any one retail outlet. There shall be
22 no combining or pooling of the three hundred dollar limits to
23 provide a retail business a product display in excess of three
24 hundred dollars per brand. The value of a product display is the

1 actual cost to the distiller, wholesaler, winemaker or brewer who
2 initially purchased such product display. Transportation and
3 installation costs shall be excluded;

4 (b) All product displays shall bear in a conspicuous manner
5 substantial advertising matter on the product or the name of the
6 distiller, wholesaler, winemaker or brewer. The name and address
7 of the retail business may appear on the product displays; and

8 (c) The giving or selling of product displays may be
9 conditioned on the purchase of intoxicating beverages advertised
10 on the displays by the retail business in a quantity necessary
11 for the initial completion of the product display. No other
12 condition shall be imposed by the distiller, wholesaler,
13 winemaker or brewer on the retail business in order for such
14 retail business to obtain the product display;

15 (2) Notwithstanding any provision of law to the contrary,
16 the distiller, wholesaler, winemaker or brewer may give or sell
17 any point of sale advertising materials and consumer advertising
18 specialties to a retail business if all the following
19 requirements are met:

20 (a) The total value of all point of sale advertising
21 materials and consumer advertising specialties given or sold to a
22 retail business shall not exceed five hundred dollars per year,
23 per brand, per retail outlet. The value of point-of-sale
24 advertising materials and consumer advertising specialties is the

1 actual cost to the distiller, wholesaler, winemaker or brewer who
2 initially purchased such item. Transportation and installation
3 costs shall be excluded;

4 (b) All point-of-sale advertising materials and consumer
5 advertising specialties shall bear in a conspicuous manner
6 substantial advertising matter about the product or the name of
7 the distiller, wholesaler, winemaker or brewer. The name,
8 address and logos of the retail business may appear on the
9 point-of-sale advertising materials or the consumer advertising
10 specialties; and

11 (c) The distiller, wholesaler, winemaker or brewer shall
12 not directly or indirectly pay or credit the retail business for
13 using or distributing the point-of-sale advertising materials or
14 consumer advertising specialties or for any incidental expenses
15 arising from their use or distribution;

16 (3) A malt beverage wholesaler or brewer may give a gift
17 not to exceed a value of one thousand dollars per year, or sell
18 something of value to a holder of a temporary permit as defined
19 in section 311.482;

20 (4) The distiller, wholesaler, winemaker or brewer may sell
21 equipment or supplies to a retail business if all the following
22 requirements are met:

23 (a) The equipment and supplies shall be sold at a price not
24 less than the cost to the distiller, wholesaler, winemaker or

1 brewer who initially purchased such equipment and supplies; and

2 (b) The price charged for the equipment and supplies shall
3 be collected in accordance with credit regulations as established
4 in the code of state regulations;

5 (5) The distiller, wholesaler, winemaker or brewer may
6 install dispensing accessories at the retail business
7 establishment, which shall include for the purposes of
8 intoxicating and nonintoxicating beer equipment to properly
9 preserve and serve draught beer only and to facilitate the
10 delivery to the retailer the brewers and wholesalers may lend,
11 give, rent or sell and they may install or repair any of the
12 following items or render to retail licensees any of the
13 following services: beer coils and coil cleaning, sleeves and
14 wrappings, box couplings and draft arms, beer faucets and tap
15 markers, beer and air hose, taps, vents and washers, gauges and
16 regulators, beer and air distributors, beer line insulation, coil
17 flush hose, couplings and bucket pumps; portable coil boxes, air
18 pumps, blankets or other coverings for temporary wrappings of
19 barrels, coil box overflow pipes, tilting platforms, bumper
20 boards, skids, cellar ladders and ramps, angle irons, ice box
21 grates, floor runways; and damage caused by any beer delivery
22 excluding normal wear and tear and a complete record of equipment
23 furnished and installed and repairs and service made or rendered
24 must be kept by the brewer or wholesalers furnishing, making or

1 rendering same for a period of not less than one year;

2 (6) The distiller, wholesaler, winemaker or brewer may
3 furnish, give or sell coil cleaning service to a retailer of
4 distilled spirits, wine or malt beverages;

5 (7) A wholesaler of intoxicating liquor may furnish or give
6 and a retailer may accept a sample of distilled spirits or wine
7 as long as the retailer has not previously purchased the brand
8 from that wholesaler, if all the following requirements are met:

9 (a) The wholesaler may furnish or give not more than seven
10 hundred fifty milliliters of any brand of distilled spirits and
11 not more than seven hundred fifty milliliters of any brand of
12 wine; if a particular product is not available in a size within
13 the quantity limitations of this subsection, a wholesaler may
14 furnish or give to a retailer the next larger size;

15 (b) The wholesaler shall keep a record of the name of the
16 retailer and the quantity of each brand furnished or given to
17 such retailer;

18 (c) For the purposes of this subsection, no samples of
19 intoxicating liquor provided to retailers shall be consumed on
20 the premises nor shall any sample of intoxicating liquor be
21 opened on the premises of the retailer except as provided by the
22 retail license;

23 (d) For the purpose of this subsection, the word "brand"
24 refers to differences in brand name of product or differences in

1 nature of product; examples of different brands would be products
2 having a difference in: brand name; class, type or kind
3 designation; appellation of origin (wine); viticulture area
4 (wine); vintage date (wine); age (distilled spirits); or proof
5 (distilled spirits); differences in packaging such a different
6 style, type, size of container, or differences in color or design
7 of a label are not considered different brands;

8 (8) The distiller, wholesaler, winemaker or brewer may
9 package and distribute intoxicating beverages in combination with
10 other nonalcoholic items as originally packaged by the supplier
11 for sale ultimately to consumers; notwithstanding any provision
12 of law to the contrary, for the purpose of this subsection,
13 intoxicating liquor and wine wholesalers are not required to
14 charge for nonalcoholic items any more than the actual cost of
15 purchasing such nonalcoholic items from the supplier;

16 (9) The distiller, wholesaler, winemaker or brewer may sell
17 or give the retail business newspaper cuts, mats or engraved
18 blocks for use in the advertisements of the retail business;

19 (10) The distiller, wholesaler, winemaker or brewer may in
20 an advertisement list the names and addresses of two or more
21 unaffiliated retail businesses selling its product if all of the
22 following requirements are met:

23 (a) The advertisement shall not contain the retail price of
24 the product;

1 (b) The listing of the retail businesses shall be the only
2 reference to such retail businesses in the advertisement;

3 (c) The listing of the retail businesses shall be
4 relatively inconspicuous in relation to the advertisement as a
5 whole; and

6 (d) The advertisement shall not refer only to one retail
7 business or only to a retail business controlled directly or
8 indirectly by the same retail business;

9 (11) Notwithstanding any other provision of law to the
10 contrary, distillers, winemakers, wholesalers, brewers or
11 retailers may conduct a local or national sweepstakes/contest
12 upon a licensed retail premise. However, no money or something
13 of value may be given to the retailer for the privilege or
14 opportunity of conducting the sweepstakes or contest;

15 (12) The distiller, wholesaler, winemaker or brewer may
16 stock, rotate, rearrange or reset the products sold by such
17 distiller, wholesaler, winemaker or brewer at the establishment
18 of the retail business so long as the products of any other
19 distiller, wholesaler, winemaker or brewer are not altered or
20 disturbed;

21 (13) The distiller, wholesaler, winemaker or brewer may
22 provide a recommended shelf plan or shelf schematic for distilled
23 spirits, wine or malt beverages;

24 (14) The distiller, wholesaler, winemaker or brewer

1 participating in the activities of a retail business association
2 may do any of the following:

3 (a) Display its products at a convention or trade show;

4 (b) Rent display booth space if the rental fee is the same
5 paid by all others renting similar space at the association
6 activity;

7 (c) Provide its own hospitality which is independent from
8 the association activity;

9 (d) Purchase tickets to functions and pay registration fees
10 if such purchase or payment is the same as that paid by all
11 attendees, participants or exhibitors at the association
12 activity; and

13 (e) Make payments for advertisements in programs or
14 brochures issued by retail business associations at a convention
15 or trade show if the total payments made for all such
16 advertisements do not exceed three hundred dollars per year for
17 any retail business association;

18 (15) The distiller, wholesaler, winemaker or brewer may
19 sell its other merchandise which does not consist of intoxicating
20 beverages to a retail business if the following requirements are
21 met:

22 (a) The distiller, wholesaler, winemaker or brewer shall
23 also be in business as a bona fide producer or vendor of such
24 merchandise;

1 (b) The merchandise shall be sold at its fair market value;

2 (c) The merchandise is not sold in combination with
3 distilled spirits, wines or malt beverages except as provided in
4 this section;

5 (d) The acquisition or production costs of the merchandise
6 shall appear on the purchase invoices or records of the
7 distiller, wholesaler, winemaker or brewer; and

8 (e) The individual selling prices of merchandise and
9 intoxicating beverages sold to a retail business in a single
10 transaction shall be determined by commercial documents covering
11 the sales transaction;

12 (16) The distiller, wholesaler, winemaker or brewer may
13 sell or give an outside sign to a retail business if the
14 following requirements are met:

15 (a) The sign shall bear in a conspicuous manner substantial
16 advertising matter about the product or the name of the
17 distiller, wholesaler, winemaker or brewer;

18 (b) The retail business shall not be compensated, directly
19 or indirectly, for displaying the sign; and

20 (c) The cost of the sign shall not exceed four hundred
21 dollars;

22 (17) A wholesaler may, but shall not be required to,
23 exchange for an equal quantity of identical product or allow
24 credit against outstanding indebtedness for intoxicating liquor

1 with alcohol content of less than five percent by weight or
2 nonintoxicating beer that was delivered in a damaged condition or
3 damaged while in the possession of the retailer;

4 (18) To assure and control product quality, wholesalers at
5 the time of a regular delivery may, but shall not be required to,
6 withdraw, with the permission of the retailer, a quantity of
7 intoxicating liquor with alcohol content of less than five
8 percent by weight or nonintoxicating beer in its undamaged
9 original carton from the retailer's stock, if the wholesaler
10 replaces the product with an equal quantity of identical product;

11 (19) In addition to withdrawals authorized pursuant to
12 subdivision (18) of this subsection, to assure and control
13 product quality, wholesalers at the time of a regular delivery
14 may, but shall not be required to, withdraw, with the permission
15 of the retailer, a quantity of intoxicating liquor with alcohol
16 content of less than five percent by weight and nonintoxicating
17 beer in its undamaged original carton from the retailer's stock
18 and give the retailer credit against outstanding indebtedness for
19 the product if:

20 (a) The product is withdrawn at least thirty days after
21 initial delivery and within twenty-one days of the date
22 considered by the manufacturer of the product to be the date the
23 product becomes inappropriate for sale to a consumer; and

24 (b) The quantity of product withdrawn does not exceed the

1 equivalent of twenty-five cases of twenty-four twelve-ounce
2 containers; and

3 (c) To assure and control product quality, a wholesaler
4 may, but not be required to, give a retailer credit for
5 intoxicating liquor with an alcohol content of less than five
6 percent by weight or nonintoxicating beer, in a container with a
7 capacity of four gallons or more, delivered but not used, if the
8 wholesaler removes the product within seven days of the initial
9 delivery; and

10 (20) Nothing in this section authorizes consignment sales.

11 5. All contracts entered into between distillers, brewers
12 and winemakers, or their officers or directors, in any way
13 concerning any of their products, obligating such retail dealers
14 to buy or sell only the products of any such distillers, brewers
15 or winemakers or obligating such retail dealers to buy or sell
16 the major part of such products required by such retail vendors
17 from any such distiller, brewer or winemaker, shall be void and
18 unenforceable in any court in this state.

19 6. Notwithstanding any other provisions of this chapter to
20 the contrary, a distiller or wholesaler may install dispensing
21 accessories at the retail business establishment, which shall
22 include for the purposes of distilled spirits, equipment to
23 properly preserve and serve premixed distilled spirit beverages
24 only. To facilitate delivery to the retailer, the distiller or

1 wholesaler may lend, give, rent or sell and the distiller or
2 wholesaler may install or repair any of the following items or
3 render to retail licensees any of the following services: coils
4 and coil cleaning, draft arms, faucets and tap markers, taps, tap
5 standards, tapping heads, hoses, valves and other minor tapping
6 equipment components, and damage caused by any delivery excluding
7 normal wear and tear. A complete record of equipment furnished
8 and installed and repairs or service made or rendered shall be
9 kept by the distiller or wholesaler, furnishing, making or
10 rendering the same for a period of not less than one year.

11 7. Notwithstanding any other provision of this chapter or
12 chapter 312, RSMo, to the contrary, distillers, winemakers,
13 brewers or their employees, or officers shall be permitted to
14 make contributions of money or merchandise to a licensed retail
15 liquor dealer that is a charitable or religious organization as
16 defined in section 313.005, RSMo, or an educational institution
17 if such contributions are unrelated to such organization's retail
18 operations.

19 8. Notwithstanding any other provision of this chapter or
20 chapter 312, RSMo, to the contrary, a brewer or manufacturer, its
21 employees, officers or agents may have a financial interest in
22 the retail business for sale of intoxicating liquors and
23 nonintoxicating beer at entertainment facilities owned, in whole
24 or in part, by the brewer or manufacturer, its subsidiaries or

1 affiliates including, but not limited to, arenas and stadiums
2 used primarily for concerts, shows and sporting events of all
3 kinds.

4 9. Notwithstanding any other provision of this chapter or
5 chapter 312, RSMo, to the contrary, for the purpose of the
6 promotion of tourism, a wine manufacturer, its employees,
7 officers or agents located within this state may apply for and
8 the supervisor of liquor control may issue a license to sell
9 intoxicating liquor, as defined in this chapter, by the drink at
10 retail for consumption on the premises where sold, if the
11 premises so licensed is in close proximity to the winery. Such
12 premises may remain open between the hours of 6:00 a.m. and
13 midnight, Monday through Saturday and between the hours of 11:00
14 a.m. and 9:00 p.m., Sunday.

15 10. Notwithstanding any other provision of this chapter or
16 chapter 312, RSMo, to the contrary, for the purpose of the
17 promotion of tourism, a person may apply for and the supervisor
18 of liquor control may issue a license to sell intoxicating liquor
19 by the drink at retail for consumption on the premises where
20 sold, but the person so licensed shall sell only Missouri-
21 produced wines received from manufacturers licensed pursuant to
22 section 311.190. Such premises may remain open between the hours
23 of 6:00 a.m. and midnight, Monday through Saturday, and between
24 the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

1 311.178. 1. Any person possessing the qualifications and
2 meeting the requirements of this chapter who is licensed to sell
3 intoxicating liquor by the drink at retail for consumption on the
4 premises in a [first class] county of the first classification
5 having a charter form of government and not containing all or
6 part of a city with a population of over three hundred thousand,
7 may apply to the supervisor of liquor control for a special
8 permit to remain open on each day of the week until 3:00 a.m. of
9 the morning of the following day. The time of opening on Sunday
10 may be 11:00 a.m. The provisions of this section and not those
11 of section 311.097 regarding the time of closing shall apply to
12 the sale of intoxicating liquor by the drink at retail for
13 consumption on the premises on Sunday. The premises of such an
14 applicant [must] shall be located in an area which has been
15 designated as a convention trade area by the governing body of
16 the county and the applicant [must] shall meet at least one of
17 the following conditions:

18 (1) The business establishment's annual gross sales for the
19 year immediately preceding the application for extended hours
20 equals one hundred fifty thousand dollars or more; or

21 (2) The business is a resort. For purposes of this
22 [section] subsection, a "resort" is defined as any establishment
23 having at least sixty rooms for the overnight accommodation of
24 transient guests and having a restaurant located on the premises.

1 2. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating
3 liquor by the drink at retail for consumption on the premises in
4 a county of the third classification without a township form of
5 government having a population of more than twenty-three thousand
6 five hundred but less than twenty-three thousand six hundred
7 inhabitants, a county of the third classification without a
8 township form of government having a population of more than
9 nineteen thousand three hundred but less than nineteen thousand
10 four hundred inhabitants or a county of the first classification
11 without a charter form of government with a population of at
12 least thirty-seven thousand inhabitants but not more than thirty-
13 seven thousand one hundred inhabitants, may apply to the
14 supervisor of liquor control for a special permit to remain open
15 on each day of the week until 3:00 a.m. of the morning of the
16 following day. The time of opening on Sunday may be 11:00 a.m.
17 The provisions of this section and not those of section 311.097
18 regarding the time of closing shall apply to the sale of
19 intoxicating liquor by the drink at retail for consumption on the
20 premises on Sunday. The applicant shall meet all of the
21 following conditions:

22 (1) The business establishment's annual gross sales for the
23 year immediately preceding the application for extended hours
24 equals one hundred thousand dollars or more;

1 (2) The business is a resort. For purposes of this
2 subsection, a "resort" is defined as any establishment having at
3 least seventy-five rooms for the overnight accommodation of
4 transient guests, having at least three thousand square feet of
5 meeting space and having a restaurant located on the premises;
6 and

7 (3) The applicant shall develop, and if granted a special
8 permit shall implement, a plan ensuring that between the hours of
9 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be
10 made except to guests with overnight accommodations at the
11 licensee's resort. The plan shall be subject to approval by the
12 supervisor of liquor control and shall provide a practical method
13 for the division of liquor control and other law enforcement
14 agencies to enforce the provisions of subsection 3 of this
15 section.

16 3. While open between the hours of 1:30 a.m. and 3:00 a.m.
17 under a special permit issued pursuant to subsection 2 of this
18 section, it shall be unlawful for a licensee or any employee of a
19 licensee to sell intoxicating liquor to or permit the consumption
20 of intoxicating liquor by any person except a guest with
21 overnight accommodations at the licensee's resort.

22 [2.] 4. An applicant granted a special permit [under]
23 pursuant to this section shall, in addition to all other fees
24 required by this chapter, pay an additional fee of three hundred

1 dollars a year payable at the time and in the same manner as its
2 other license fees.

3 [3.] 5. The provisions of this section allowing for
4 extended hours of business shall not apply in any incorporated
5 area wholly located in any [first class] county of the first
6 classification having a charter form of government which does not
7 contain all or part of a city with a population of over three
8 hundred thousand inhabitants until the governing body of such
9 incorporated area shall have by ordinance or order adopted the
10 extended hours authorized by this section.

11 6. The enactment of subsections 2, 3, and 4 of this section
12 shall terminate January 1, 2007.

13 311.481. 1. Notwithstanding any other provisions of this
14 chapter to the contrary, any person who possesses the
15 qualifications required by this chapter, and who now or hereafter
16 meets the requirements of and complies with the provisions of
17 this chapter, may apply for, and the supervisor of liquor control
18 may issue, a license to sell intoxicating liquor, as defined in
19 this chapter, by the drink between the hours of 11:00 a.m. on
20 Sunday and midnight on Sunday at retail for consumption on the
21 premises of any airline club as described in the application. As
22 used in this section, the term "airline club" shall mean an
23 establishment located within an international airport and owned,
24 leased, or operated by or on behalf of an airline, as a

1 membership club and special services facility for passengers of
2 such airline.

3 2. The authority for the collection of fees by cities and
4 counties as provided in section 311.220, and all other laws and
5 regulations of the state relating to the sale of liquor by the
6 drink for consumption on the premises where sold, shall apply
7 to each airline club in the same manner as they apply to
8 establishments licensed pursuant to sections 311.085, 311.090 and
9 311.095, and in addition to all other fees required by law, a
10 person licensed pursuant to this section shall pay an additional
11 fee of two hundred dollars a year payable at the same time and in
12 the same manner as its other fees; except that the requirements
13 other than fees pertaining to the sale of liquor by the drink on
14 Sunday shall not apply.

15 311.680. 1. Whenever it shall be shown, or whenever the
16 supervisor of liquor control has knowledge, that a person
17 licensed hereunder has not at all times kept an orderly place or
18 house, or has violated any of the provisions of this chapter, the
19 supervisor of liquor control may, warn, place on probation on
20 such terms and conditions as the supervisor of liquor control
21 deems appropriate for a period not to exceed twelve months,
22 suspend or revoke the license of that person, but the person
23 shall have ten days' notice of the application to warn, place on
24 probation, suspend or revoke the person's license prior to the

1 order of warning, probation, revocation or suspension issuing.

2 2. Any wholesaler licensed pursuant to this chapter or
3 chapter 312, RSMo, in lieu of, or in addition to, the warning,
4 probation, suspension or revocation authorized in subsection 1 of
5 this section, may be assessed a civil penalty by the supervisor
6 of liquor control of not less than one hundred dollars or more
7 than twenty-five hundred dollars for each violation.

8 3. Any solicitor licensed pursuant to this chapter or
9 chapter 312, RSMo, in lieu of the suspension or revocation
10 authorized in subsection 1 of this section, may be assessed a
11 civil penalty or fine by the supervisor of liquor control of not
12 less than one hundred dollars nor more than five thousand dollars
13 for each violation.

14 4. Any retailer with less than five thousand occupant
15 capacity licensed pursuant to this chapter or chapter 312, RSMo,
16 in lieu of the suspension or revocation authorized by subsection
17 1 of this section may be assessed a civil penalty or fine by the
18 supervisor of liquor control of not less than fifty dollars nor
19 more than one thousand dollars for each violation.

20 5. Any retailer with five thousand or more occupant
21 capacity licensed pursuant to this chapter or chapter 312, RSMo,
22 in lieu of the suspension or revocation authorized by subsection
23 1 of this section, may be assessed a civil penalty or fine by the
24 supervisor of liquor control of not less than fifty dollars nor

1 more than five thousand dollars for each violation.

2 6. Any aggrieved person may appeal to the administrative
3 hearing commission in accordance with section 311.691.

4 7. In order to encourage the early resolution of disputes
5 between the supervisor of liquor control and licensees, the
6 supervisor of liquor control, prior to issuing an order of
7 warning, probation, revocation, suspension, or fine, shall
8 provide the licensee with the opportunity to meet or to confer
9 with the supervisor of liquor control, or his or her designee,
10 concerning the alleged violations. At least ten days prior to
11 such meeting or conference, the supervisor shall provide the
12 licensee with notice of the time and place of such meeting or
13 conference, and the supervisor of liquor control shall also
14 provide the licensee with a written description of the specific
15 conduct for which discipline is sought, a citation of the law or
16 rules allegedly violated, and, upon request, copies of any
17 violation report or any other documents which are the basis for
18 such action. Any order of warning, probation, revocation,
19 suspension, or fine shall be effective no sooner than thirty days
20 from the date of such order.

21 Section B. Because immediate action is necessary to clarify
22 the law relating to Sunday liquor sales in airline clubs, the
23 enactment of section 311.481 of section A of this act is deemed
24 necessary for the immediate preservation of the public health,

1 welfare, peace and safety, and is hereby declared to be an
2 emergency act within the meaning of the constitution, and the
3 enactment of section 311.481 of section A of this act shall be in
4 full force and effect upon its passage and approval.